

E-FILED 03/17/09

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

AMERICAN INTERNATIONAL
INDUSTRIES, A CALIFORNIA
CORPORATION,

Plaintiff,

v.

NO. 1 INC., A CALIFORNIA
CORPORATION,

Defendant.

CASE No. CV09- 217 PSG (AJWx)

~~[PROPOSED]~~ JUDGMENT ON
STIPULATION OF THE PARTIES

Trial Date: None

1 Upon Stipulation of Plaintiff, American International Industries, and Defendant,
2 No. 1 Inc., it is hereby ORDERED, ADJUDGED AND DECREED.

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4 Plaintiff American International Industries ("Plaintiff") and Defendant No. 1,
5 Inc. ("Defendant") stipulate that the above-captioned Court has personal and subject
6 matter jurisdiction in this action, and may enter final judgment on the following terms:

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8 1. Defendant, its successors-in-interest, officers, agents, servants, employees,
9 and all those in active concert and/or participation with each of them who receive notice
10 hereof, are permanently restrained and enjoined from reproducing, distributing, or using
11 in any way the trade dress depicted below, or any derivative or confusingly similar
12 trade dress in connection with marketing eye lash products.



27 2. Defendant, its successors-in-interest, officers, agents, servants, employees,
28 and all those in active concert and/or participation with each of them who receive notice

1 hereof, are permanently restrained and enjoined from reproducing, distributing or using
2 in any way the "Fashion Lashes" mark, or any derivative or confusingly similar mark,
3 including "Fashion Eye Lashes", in connection with marketing eye lash products.
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5 3. Defendant, its successors-in-interest, officers, agents, servants, employees,
6 and all those in active concert and/or participation with each of them who receive notice
7 hereof, are permanently restrained and enjoined from reproducing, distributing or using
8 in any way the "Ardell" mark, or any derivative or confusingly similar mark, including
9 "Abella", in connection with marketing eye lash products.
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11 4. Plaintiff's claims for damages are dismissed with prejudice.
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13 5. The parties shall each bear their own attorneys' fees and costs of litigation,
14 through entry of the Judgment.
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1 6. In the event of any legal action or proceedings arising from or relating to
2 this Judgment, proceedings to enforce or interpret the terms of this Judgment, or
3 otherwise, the prevailing party shall be awarded the full amount of its attorneys fees
4 and expenses incurred in such action or proceedings. Exclusive jurisdiction for such
5 proceedings shall be in the United States District Court, Central District of California.

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7 DATED: 03/17/09

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9 **PHILIP S. GUTIERREZ**

10 Honorable Philip S. Gutierrez
11 United States District Court
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13 Respectfully submitted:
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16 By: *s/Mark D. Kremer/s*
17 Mark D. Kremer (SB# 100978)
18 *m.kremer@conklelaw.com*
19 CONKLE, KREMER & ENGEL
20 Professional Law Corporation
21 3130 Wilshire Boulevard, Suite 500
22 Santa Monica, California 90403-2351
23 Phone: (310) 998-9100 • Fax: (310) 998-9109
24 Attorneys for Plaintiff American
25 International Industries
26
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